IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2105 of 2005

Between:

Sri Rama Vaddera Labour Contract Co.op.Society
(Regd.No.1031/TH), rep., by its Secretary
Smt.V.Andalu, W/o Yadaiah, aged 37 years,
R/o H.No.30-266/14/4, Parvathinagar,
Sainikpur, Secunderabad.

..... PETITIONER

AND

The Commissioner, Kapra Municipality, R.R.District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, to declare the impugned Recall E-procurement Notice dt.29-1-2005 vide No.KMC/E/3059/2004 without accepting or assigning any reason with regard to the earlier E-Procurement Notice issued by the respondent on 15-12-2004 vide No.KMC/E/3059/2004 as illegal, arbitrary and consequently set aside the impugned Re-call E-Procurement Notice dt.29-1-2005.

Counsel for the Petitioner: MR.R.SATYANARAYANA

Counsel for the Respondent: MR.POLISETTI RADHAKRISHNA (SC FOR MUNCIPAL)

The Court at the admission stage made the following:

O R D E R:

This writ petition is filed challenging the impugned tender notice dated 29-01-2005.

The petitioner states that earlier the respondent-Municipality issued a tender notice dated 15-12-2004 for the purpose of laying 300/200 mm dia SWG underground drainage pipe line in Srinivasa Nagar, Ward No.21, Kapra Municipality, R.R. District. In response to the same, the petitioner-Society submitted its tender and became successful bidder. However, the respondent-Municipality has not awarded the work in favour of the petitioner but issued the fresh tender notice i.e., the impugned notice dated 29-01-2004 for the same work. Aggrieved by the same, this writ petitioner is filed.

Mr. Polisetty Radhakrishna, the learned standing counsel appearing for the respondent-Municipality, under instructions, states that in pursuance to the earlier tender notice dated 15-12-2004, a single tender was received from the petitioner-Society, represented by its President- Mr. Yadaiah and that the said tender was rejected on the ground that the President of the petitioner-society was an employee of the A.P.S.R.T.C. and that he was not eligible to participate in the

tender as per the tender conditions and in the circumstances, the respondent-Municipality issued a fresh tender notice. The leaned standing counsel also points out that the present writ petition has been filed by one Smt. V. Andalu, describing herself as the Secretary of the petitioner-Society suppressing the fact that the tender submitted earlier was already rejected by the respondent-Municipality.

In view of what has been stated by the learned standing counsel it is clear that the tender submitted by the petitioner-Society was already rejected by the respondent-Municipality. Hence, the action of the respondent-Municipality in issuing the fresh tender notice cannot be said to be either arbitrary or illegal. The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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(G.ROHINI, J)

Date: 09-02-2005

ghn

To

1. The Commissioner, Kapra Municipality, R.R.District., Hyderabad.
2. Two CD Copies